

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

THERESA MARIE SIMEONE, et al.

Plaintiffs,

V.

BOMBARDIER-ROTAX GmbH & Co. KG, et al.,

Defendants.

CIVIL ACTION NO. 02CV4852

CERTIFICATION OF ROBERT J. KELLY, ESQ. IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS PLAINTIFFS' COMPLAINT AND MOTION FOR SUMMARY JUDGMENT

I, ROBERT J. KELLY, Esq., of full age certifies as follows:

1. I am an attorney at law of the State of New Jersey and am a partner of the firm of Wilson, Elser, Moskowitz, Edelman & Dicker LLP, attorneys for Defendants, BRP-Rotax GmbH & Co. KG f/k/a Bombardier-Rotax GmbH & Co. KG, Bombardier, Inc. and Bombardier Corporation in the above-entitled matter.

2. I am in active charge of handling this file and in such capacity, am fully familiar with the facts stated herein.

3. Annexed hereto as Exhibit A is a true and accurate copy of the Plaintiffs' Complaint filed July 19, 2002 in State Court.

4. Annexed hereto as Exhibit B is a true and accurate copy of the Plaintiffs' Complaint filed in July 19, 2002 in the United States District Court.

5. Annexed hereto as Exhibit C is a true and accurate copy of Plaintiffs' First Amended Complaint filed in State Court.

6. Annexed hereto as Exhibit D is a true and accurate copy of Plaintiffs' First Amended Complaint filed in the United States District Court.

7. Annexed hereto as Exhibit E is a true and accurate copy of Josef Furlinger's Affidavit.

8. Annexed hereto as Exhibit F is a true and accurate copy of relevant excerpts of testimony from the deposition of Josef Furlinger dated December 3, 2004.

9. Annexed hereto as Exhibit G is a true and accurate copy of relevant excerpts of testimony from the deposition of Pascal Ronveaux dated April 30, 2002.

10. Annexed hereto as Exhibit H is a true and accurate copy of relevant excerpts of testimony from the deposition of Josef Furlinger dated December 13, 2002.

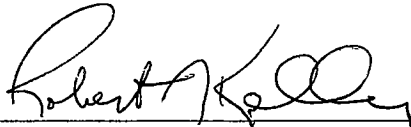
11. Annexed hereto as Exhibit I is a true and accurate copy of relevant excerpts of testimony from the deposition of Ronald Smith dated December 3, 2002.

12. Annexed hereto as Exhibit J is a true and accurate copy of an Order dated April 23, 2003 signed by the Honorable Garrett E. Brown, U.S.D.J. in the matter of *Koziol v. Bombardier-Rotax GmbH & Co. KG*, Case No. 00-1938 (D.N.J.)

13. Annexed hereto as Exhibit K is a true and accurate copy of an Order dated January 4, 2004 signed by the Honorable Gail Haggerty, U.S.D.J. in the matter of *Lipp v. Air Fun, Inc., et al.*, Case No. 01-C-1279 (State of North Dakota, Morton County)

14. Annexed hereto as Exhibit L is a true and accurate copy of defendants' Answer to Plaintiffs' First Amended Complaint.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.



Robert J. Kelly

Dated: 12 / 21 / 04